

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re:

PUREFITNESS CARLSBAD, INC.,

Debtor.

Case No. 14-cv-2273-MMA-KSC

**ORDER STRIKING
DOC. NOS. 28-30**

PUREFITNESS CARLSBAD, INC.,

Appellant,

vs.

UNITED STATES TRUSTEE,

Appellee.

On May 1, 2015, Appellant PureFitness Carlsbad, Inc. filed a Notice of Motion and Motion for Stay (“Notice”), Doc. No. 28, Motion for Stay Pending Appeal (“Motion”), Doc. No. 29, and an “*Ex-Parte* Motion for Relief Shortening Time for Motion for Stay Pending Appeal” (“Application”), Doc. No. 30. These documents do not conform with the Civil Local Rules and the Undersigned’s Chambers Rules for the following reasons:

1. The case number does not appear in the lower right corner of each page of the Notice, Motion, or Application. CivLR 5.1(b).
2. The Notice incorrectly states that the Motion is made pursuant to “Federal Rules of Bankruptcy Procedure §8005 [sic].” *See* Fed. R. Bankr. P. 8005 (listing requirements to elect to have an appeal heard by

1 the district court rather than the BAP).

2 2. The Motion is not captioned properly. CivLR 7.1(f)(1).

3 2. The Motion exceeds the twenty-five page limit.¹ CivLR 7.1(h).

4 3. The Application for an order shortening time was not accompanied by a
5 proposed order. CivLR 7.1(e)(5).

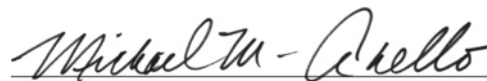
6 4. The Application for an order shortening time is not accompanied by a
7 declaration from counsel documenting counsel's meet and confer
8 efforts and opposing counsel's position regarding the *ex parte*
9 Application. Chambers Rule VI.

10 Accordingly, for the reasons set forth above, the Court **STRIKES** Doc. Nos.
11 28-30. Should Appellant wish to retain the June 1, 2015, hearing date for the
12 Motion for Stay Pending Appeal, Appellant shall re-file documents that have been
13 amended to cure the defects noted above, and that otherwise comply with all other
14 Civil Local Rules and the Undersigned's Chambers Rules, on or before Monday,
15 May 4, 2015. Failure to do so will forfeit the hearing date.

16 To the extent that Appellant may seek reconsideration of the Court's February
17 18, 2015, Order denying the motion for a stay pending appeal, Doc. No. 20,
18 Appellant's motion must conform to the requirements of Civil Local Rule 7.1(i).
19 Any motion for reconsideration must be correctly captioned as such.

20 **IT IS SO ORDERED.**

21
22 Dated: May 1, 2015

23 

24 Hon. Michael M. Anello
25 United States District Judge

26
27 ¹ Appellant's previous motion for a stay of these proceedings exceeded the
28 page limit set forth in this Court's local rules, and the Court specifically advised
Appellant that "future motions before this Court must comply with Civil Local Rule
7.1, or they will be stricken." Doc. No. 20.